

AMENDED-04cv DOCKET

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U.S. District Court
Northern District of Illinois (Chicago)

CIVIL DOCKET FOR CASE #: 03-CV-3599

Bobbitt v. Filipowski, et al
Assigned to: Hon. Samuel Der-Yeghiayan
Demand: \$0,000
Lead Docket: None
Dkt# in other court: None

Filed: 05/27/03
Jury demand: Plaintiff
Nature of Suit: 850
Jurisdiction: Federal Question

Cause: 15:78m(a) Securities Exchange Act

MAGISTRATE JUDGE *Collins*

SHARON BOBBITT, individually
and on behalf of all others
similarly situated
plaintiff

Marvin Alan Miller✓
[COR NTC]
Jennifer Winter Sprengel✓
[COR]
Christopher B Sanchez✓
[COR]
Miller Faucher and Cafferty,
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Bruce C. Howard✓
[COR]
Law Offices of Robert D.
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Chicago, IL 60603
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Marc A Topaz✓
[COR NTC]
Schiffrin & Barroway, LLC
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Bala Cynwyd, PA 19004-3481
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Guri Ademi✓
[COR NTC]
Shpetim Ademi✓
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A TRUE COPY-ATTEST	
MICHAEL W. DOBBS, CLERK	
By <i>Angela R...</i>	DEPUTY CLERK
U.S. DISTRICT COURT, NORTHERN DISTRICT OF ILLINOIS	
DATE:	OCT 25 2004

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Samuel H Rudman ✓
[COR LD NTC A]
David A Rosenfeld ✓
[COR]
Geller Rudman, PLLC
200 Broadhollow Road
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Melville, NY 11747
(631) 367-7100

v.

ANDREW J FILIPOWSKI
defendant

Bruce S. Sperling ✓
[COR LD NTC A]
Celiza Patricia Braganca ✓
[COR]
Thomas David Brooks ✓
[COR]
Sperling & Slater
55 West Monroe Street
Suite 3200
Chicago, IL 60603
(312) 641-3200

MICHAEL P CULLINANE
defendant

Samuel Bayard Isaacson ✓
[COR LD NTC A]
Douglas Warren Hyman ✓
[COR]
Joseph Edward Collins ✓
[COR]
Piper Rudnick LLP
203 North LaSalle Street
#1900
Chicago, IL 60601-1293
(312) 368-4000

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5/27/03 1 COMPLAINT (Attachment); jury demand - Civil cover sheet - Appearance(s) of Shpetim Ademi, Guri Ademi, Christopher B Sanchez, Marc A Topaz, Jennifer Winter Sprengel, David A Rosenfeld, Marvin Alan Miller, Samuel H. Rudman as attorney(s) for plaintiff (No summons(es) issued.) (Documents: 1-1 through 1-4) (hp) [Entry date 05/28/03] [1:03cv3599]

5/27/03 -- RECEIPT regarding payment of filing fee paid; on 5/27/03 in the amount of \$150.00, receipt #10414569. (hp) [Entry date 05/28/03] [1:03cv3599]

5/28/03 -- SUMMONS issued two originals and two copies as to defendants. (jmp) [Entry date 05/30/03] [1:03cv3599]

6/25/03 -- ALIAS SUMMONS issued four original and two copies as to defendants. (air) [Entry date 06/26/03] [1:03cv3599]

7/28/03 2 MOTION by James Tito, Frank Waddell and FBO Norma G, Waddell Revocable Trust for consolidation, appointment as lead plaintiffs and for approval of selection of lead and liaison counsel ; Memorandum in support (ls) [Entry date 07/31/03] [1:03cv3599]

7/28/03 3 DECLARATION of Marvin A. Miller in support of James Titom Frank Waddell and FBO Norma G. Waddell Revocable Trust's motion for consolidation [2-1], motion appointment as lead plaintiffs [2-2], motion and for approval of selection of lead and liaison counsel [2-3] (Attachments); Notice (ls) [Entry date 07/31/03] [1:03cv3599]

7/29/03 4 MOTION by plaintiff for consolidation, appointment as lead plaintiffs, and for approval of selection of lead and liaison counsel; Notice (nf) [Entry date 08/06/03] [1:03cv3599]

7/29/03 5 MOTION by plaintiff for a finding of relatedness (Attachments); Notice (nf) [Entry date 08/06/03] [1:03cv3599]

8/5/03 6 MINUTE ORDER of 8/5/03 by Hon. James F. Holderman : Plaintiffs' motion for a finding of relatedness [5-1], appointment as lead plaintiffs [4-2] and to consolidate [4-1] are entered and continued before Judge Der-Yeghiayan. No notice (nf) [Entry date 08/06/03] [1:03cv3599]

8/5/03 -- EXECUTIVE committee 8/5/03 This case is reassigned to the Hon. Samuel Der-Yeghiayan Mailed notice (dcap) [Entry date 08/07/03] [1:03cv3599]

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- 8/19/03 7 MINUTE ORDER of 8/19/03 by Hon. Samuel Der-Yeghiayan : Status hearing set for September 16, 2003 at 9:00 a.m. Plaintiffs' motion for a finding of relatedness and motion to consolidate are granted for all purposes as to case numbers 03 C 3599, 03 C 3722, 03 C 3888, 03 C 4100, 03 C 4116, 03 C 4506, 03 C 4756, 03 C 5194, 03 C 5245 and entered and continued to September 16, 2003 at 9:00 a.m. for case number 03 C 5561. Counsel for the parties are directed to have a Rule 26(f) conference prior to the September 16, 2003 status hearing. The parties shall file a joint initial status report identifying the points outlined on the reverse on or before September 11, 2003. The parties motion for appointment of lead plaintiffs and lead liaison counsel are granted [0-1], [0-2]. James Tito and Wadell are hereby appointed lead plaintiffs. The law firms of Cauley Geller Bowman & Rudman LLP and Stull Stull & Brody shall act as lead counsel and the law firms of Miller Faucher & Cafferty LLP and Robert D. Allison & Associates are to serve a liaison counsel. Counsel are directed to make all future filings in case number 03 C 3599. (See reverse of minute order.) Mailed notice (rm) [Entry date 08/21/03] [1:03cv3599]
- 8/22/03 8 ATTORNEY APPEARANCE for lead plaintiff by Robert D. Allison and Bruce C. Howard (ar) [Entry date 08/22/03] [1:03cv3599]
- 9/8/03 9 WAIVER of service of summons as to defendant Andrew J. Filipowski sent on 8/4/03 (cdy) [Entry date 09/09/03] [1:03cv3599]
- 9/10/03 11 RESPONSE by James F Howard, Chris Brown to motion for a finding of relatedness. (air) [Entry date 09/12/03] [1:03cv3599]
- 9/11/03 10 JOINT INITIAL STATUS REPORT by parties; Notice. (air) [Entry date 09/12/03] [1:03cv3599]
- 9/16/03 12 MINUTE ORDER of 9/16/03 by Hon. Samuel Der-Yeghiayan: Status hearing held and continued to 02/23/04 at 9:00 a.m. The plaintiffs are given leave to file a consolidated complaint by 10/27/03. The defendants are given until 12/11/03 to answer, move or otherwise plead to the plaintiffs' consolidated complaint. The plaintiffs are given until 01/26/04 to file their responses to any motions to dismiss the plaintiffs' consolidated complaint. The defendants are given until 02/16/03 to file their replies in support. Mailed notice (cdy) [Entry date 09/17/03] [1:03cv3599]
- 9/16/03 13 ATTORNEY APPEARANCE for defendant Michael P. Cullinane by Samuel Bayard Isaacson, Douglas Warren Hyman, Joseph Edward Collins (cdy) [Entry date 09/17/03] [1:03cv3599]

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- 9/22/03 14 ATTORNEY APPEARANCE for Jude M Sullivan by James R. Streicker, Theodore Thomas Poulos. (vj)
[Entry date 09/23/03] [1:03cv3599]
- 10/27/03 15 MOTION by parties to extend time to answer or otherwise plead (Attachment); Notice (hp) [Entry date 10/31/03] [1:03cv3599]
- 10/30/03 16 MINUTE ORDER of 10/30/03 by Hon. Samuel Der-Yeghiayan : Plaintiffs' agreed motion to extend time is granted as follows: The plaintiffs are given until 12/11/03 to file a consolidated class action complaint. [15-1] The defendants are given until 01/26/04 to answer, move or otherwise plead to the consolidated class action complaint. In the event the defendants move to dismiss plaintiffs' consolidated class action complaint, the plaintiffs are given until 03/10/04 to file their response and the defendants are given until 03/31/04 to file their reply. Status hearing set for 02/23/04 to stand. Mailed notice (hp)
[Entry date 10/31/03] [1:03cv3599]
- 12/11/03 17 CONSOLIDATED CLASS ACTION COMPLAINT for violations of the Federal Securities Law; jury demand; Notice. (aga)
[Entry date 12/15/03] [1:03cv3599]
- 1/13/04 18 MOTION by defendant Andrew J Filipowski to extend time to respond to consolidated class action complaint and to file brief in excess of 15 pages (Attachment); Notice. (lxs)
[Entry date 01/21/04] [1:03cv3599]
- 1/13/04 19 ATTORNEY APPEARANCE for defendant Andrew J Filipowski by Bruce S. Sperling, Thomas David Brooks (lxs)
[Entry date 01/21/04] [1:03cv3599]
- 1/20/04 20 MINUTE ORDER of 1/20/04 by Hon. Samuel Der-Yeghiayan : Defendants' motions for extension of time to respond to consolidated class action complaint [18-1] and for leave to file memoranda in excess of 15 pages [18-2] are denied. Status hearing set for 02/23/04 to stand. Mailed notice (lxs)
[Entry date 01/21/04] [1:03cv3599]
- 1/26/04 21 MEMORANDUM by defendant Michael P Cullinane in support of defendant Michael P. Cullinane's motion to dismiss (Attachments); Notice. (gma) [Entry date 01/27/04] [1:03cv3599]
- 1/26/04 22 APPENDIX by defendant Michael P Cullinane to defendant Michael P. Cullianane's motion to dismiss (22-1 through 22-2). (gma) [Entry date 01/27/04] [Edit date 01/27/04] [1:03cv3599]
- 1/26/04 23 MOTION by defendant Andrew J Filipowski to dismiss complaint; Memorandum in support. (air)
[Entry date 01/29/04] [1:03cv3599]

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1/26/04 24 EXHIBITS by defendant Andrew J Filipowski to his motion to dismiss complaint [23-1]. (air) [Entry date 01/29/04] [1:03cv3599]

2/20/04 -- SCHEDULE set on 2/20/04 by Hon. Samuel Der-Yeghiayan : Status hearing set for 02/23/04 is reset to 05/10/04 at 9:00 a.m. Mailed and Telephoned notice (mw) [Entry date 02/20/04] [1:03cv3599]

3/10/04 25 MEMORANDUM of law by plaintiff in opposition to defendants' motion to dismiss consolidated complaint [23-1]; Notice. (vj) [Entry date 03/12/04] [1:03cv3599]

3/31/04 26 REPLY memorandum of law by defendant Michael P Cullinane in support of his motion to dismiss (Attachments); Notice (ar) [Entry date 04/02/04] [1:03cv3599]

5/10/04 -- SCHEDULE set on 5/10/04 by Hon. Samuel Der-Yeghiayan : Status hearing set for 05/10/04 is reset to 7/29/04 at 9:00 a.m. Mailed notice (mw) [Entry date 05/10/04] [1:03cv3599]

5/25/04 27 NOTICE by plaintiff of change of firm affiliation; Notice.. (nf) [Entry date 05/26/04] [1:03cv3599]

7/29/04 28 MINUTE ORDER of 7/29/04 by Hon. Samuel Der-Yeghiayan : Status hearing held and continued to 9:00 a.m. on 08/31/04. Mailed notice (ar) [Entry date 07/30/04] [1:03cv3599]

8/9/04 29 MINUTE ORDER of 8/9/04 by Hon. Samuel Der-Yeghiayan : Status hearing set for 08/31/04 is reset to 9:00 a.m. on 10/07/04. The parties are ordered to submit briefings addressing whether this court should transfer this case to the District of Massachusetts pursuant to 28 U.S.C. Section 1412 and whether or not this case is related to bankruptcy proceedings in that district. The parties must file the briefs by 09/02/04. Each side may then respond to briefs filed by the opposing party by 09/16/04. All pending motions are denied without prejudice [23-1]. Mailed notice (ar) [Entry date 08/10/04] [1:03cv3599]

8/10/04 30 MOTION by plaintiff for leave to file supplemental authority decided after submission of plaintiffs' memorandum of law in opposition to defendants' motion to dismiss (Attachment); Notice (ar) [Entry date 08/13/04] [1:03cv3599]

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- 8/13/04 31 MINUTE ORDER of 8/13/04 by Hon. Samuel Der-Yeghiayan : On 08/09/04 the Court having denied without prejudice all pending motions, plaintiffs' motion for leave to file supplemental authority decided after submission of plaintiffs' memorandum of law in opposition to defendants' motion to dismiss [30-1] is denied as moot. Status hearing set for 10/07/04 to stand. Mailed notice (ar) [Entry date 08/13/04] [1:03cv3599]
- 9/2/04 32 MEMORANDUM OF LAW by plaintiff in response to the court's request for briefing concerning whether to transfer the action to the District of Massachusetts and whether the action is related to the bankruptcy proceedings in that district; Notice. (gma) [Entry date 09/03/04] [1:03cv3599]
- 9/2/04 33 OPENING brief regarding potential transfer of this case to the District of Massachusetts by defendants (Attachments); Notice [32-1] (1 vol.) (ar) [Entry date 09/07/04] [1:03cv3599]
- 9/14/04 34 MINUTE ORDER of 9/14/04 by Hon. Samuel Der-Yeghiayan : The parties are given an additional six days (09/22/04) to file their response briefs to the briefs addressing whether this court should transfer this case to the District of Massachusetts pursuant to 28 U.S.C. Section 1412 and whether or not this case is related to bankruptcy proceedings in that district [29-1] [32-1] [33-1]. Mailed notice (ar) [Entry date 09/15/04] [1:03cv3599]
- 9/22/04 35 RESPONSE by plaintiffs to defendants' opening brief regarding potential transfer of this case to the district of Massachusetts; Notice. (gy) [Entry date 09/23/04] [1:03cv3599]
- 9/22/04 36 RESPONSE BRIEF by defendants regarding potential transfer of this case to the District of Massachusetts. (air) [Entry date 09/24/04] [1:03cv3599]
- 10/7/04 37 ATTORNEY APPEARANCE for defendant Andrew J Filipowski by Celiza Patricia Braganca (ar) [Entry date 10/08/04] [1:03cv3599]
- 10/7/04 38 MINUTE ORDER of 10/7/04 by Hon. Samuel Der-Yeghiayan : For the reasons stated on the reverse side of this minute order, this matter is hereby transferred to the U.S. District Court for Massachusetts. (See reverse of minute order.) Case transferred to Dist of: Masschusetts. Terminating case. Mailed notice (ar) [Entry date 10/08/04] [Edit date 10/08/04] [1:03cv3599]
- 10/7/04 39 ENTERED JUDGMENT (ar) [Entry date 10/08/04] [1:03cv3599]

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10/21/04 -- CERTIFIED AND TRANSMITTED 10/25/04 the complete record to the USDC for the District of Massachusetts, consisting of eight volumes of pleadings, certified copy of docket entries and transmittal letter, via United Parcel Service, Tracking No. 1Z6E25200399620550. Mailed copies of transmittal letter to counsel of record. (ar) [Entry date 10/21/04] [Edit date 10/25/04] [1:03cv3599]

10/25/04 -- MAILED corrected and certified copy of docket entries to US District court for the District of Massachusetts. (ar) [Entry date 10/25/04] [1:03cv3599]